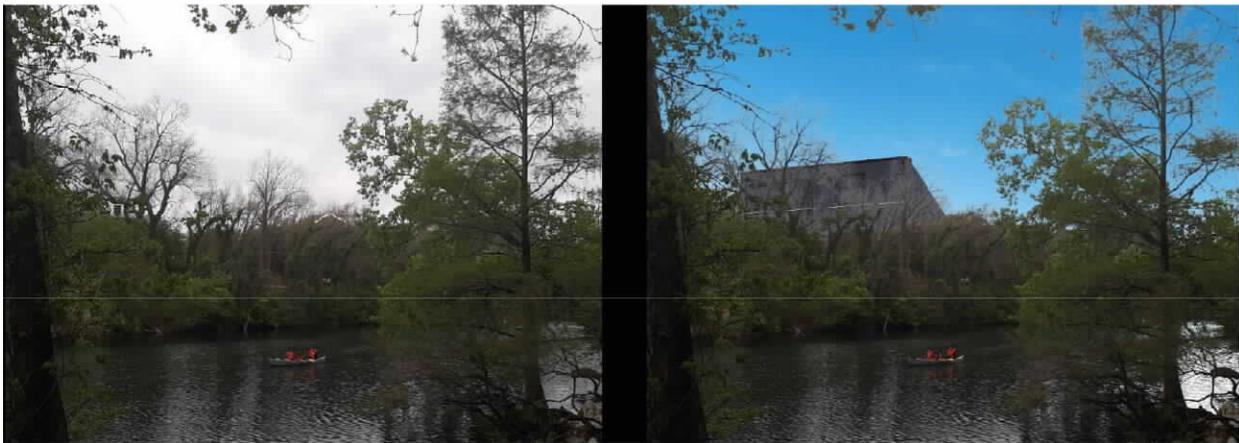


**Zilker Neighborhood Association opposition to zoning case at 1725 Toomey Road (CS to  
C14-2021-0009**

**November 2, 2021**

This zoning case is exactly what the Waterfront Overlay was created to protect against: a tall building that would loom over Barton Creek. (See pictorial representation from the Hike and Bike Train at Lou Neff Point.) Please note that the Waterfront Overlay height limit is the lower of 96' or the base zoning, which is 60 feet in this case.



Two buildings in Butler Shores have 96 feet zoning, but they are both PUDs, which is very different than MF-6 zoning. Those PUDs are directly on South Lamar Blvd and were required to provide extensive public benefits such as open space, mixed use, and public access. Barton Place Condos are 75' in the rear, but the owners of that project traded their 15' of extra height at the back of the building for keeping the frontage on Barton Springs Road at two stories. In addition, they contributed a public use trail to connect Barton Springs Road with Toomey Rd. Also, those developers kicked in enough affordable housing money to the Mary Lee Foundation on South Lamar that allowed them to leverage federal dollars and renovate the foundation's entire campus.

The 1725 Toomey case appears to be purely speculative zoning. The one-acre property is listed for \$32M in anticipation of getting the 50% height increase allowed by MF-6. Granting MF-6 zoning would accelerate the price of all other developable properties along Toomey Road and Barton Springs Road such as Shady Grove, the Pecan Grove trailer court, and the iconic restaurants that have come to define the area.

The city needs affordable housing. We can get so much more public good out of developable land than MF-6 projects that undercut options such as Affordability Unlocked, VMU, and others. For example, there is a project in the works at 2001 South Lamar for a 453-unit, multi-family development with 227 affordable units. The S.M.A.R.T. Housing certification letter for the project states that 92 of the units will serve households at 50% MFI, and 90 units will serve households at 60% MFI. The Affordability Unlocked application for the project indicates that at least 25% of the affordable units will be available for older persons. That is the type of housing Austin needs.

If this MF-6 rezoning case on Toomey Road is approved and gives away the height bonus, we should expect new investors to forego VMU and S.M.A.R.T. Housing applications and instead file for MF-6 rezoning with minimal affordability requirements. Why would investors provide significant affordability if they can get increased entitlements without having to include VMU or S.M.A.R.T. Housing options?

In addition to the 227 deeply affordable units that I mentioned earlier, the Zilker Neighborhood is home to other large, deeply affordable apartment projects. Foundation Communities is currently building at 1508 S. Lamar, Pathways at Goodrich Place was recognized and visited by the Secretary of HUD, and Bluebonnet Studios on S. Lamar is another Foundation Community that the neighborhood embraces. Hundreds of other VMU units at 60% MFI have been built in the neighborhood. It makes no sense to abandon what is working for a zoning change that will kick off MF-6 luxury housing in the neighborhood.

Obviously, VMU and S.M.A.R.T. Housing options are not a fit for the current owner's plans at 1725 Toomey. However, the city is not obligated to facilitate speculative real estate investments if they are not in the public interest. I urge you to vote against this rezoning case and allow a better project to emerge that is more in line with the public interest.

Other viable, relatively new residential projects literally next door to 1725 Toomey were built at 60 feet. There is no good reason to grant a 50% height increase at this location which would set a precedent for the area, lead to much higher housing prices in the aftermath, and quash any hope for VMU or S.M.A.R.T. Housing options in Butler Shores. This is why this zoning case has failed to get a recommendation from any previous board or commission.

Sincerely,

David Piper

Secretary, Zilker Neighborhood Association